

FILED
U.S. DISTRICT COURT
SAVANNAH, GA.

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

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JOHNNY SCRUGGS and MALINDA)
SCRUGGS,)
)
Plaintiffs,)
)
v.)
)
INTERNATIONAL PAPER CO., UNIMIN)
CORP., ABC CORP., EFG CORP., XYZ)
CORP., and JOHN DOES 1-5,)
)
Defendants.)
)

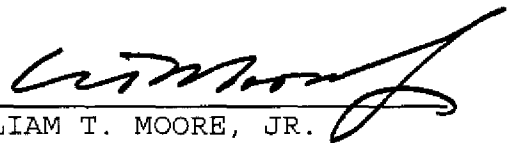
CASE NO.

CV 4 11 - 2 0 3

O R D E R

Before the Court is Defendant Unimin Corporation's Partial Motion to Dismiss. (Doc. 7.) In the motion, Defendant Unimin seeks dismissal of Plaintiffs' claim based on negligence per se. (Id. at 1.) In their response, Plaintiffs state that they have no objection to dismissing their negligence per se claim against Defendant Unimin at this time, provided that the dismissal is without prejudice. In light to Plaintiffs' consent to dismissal, Defendant Unimin's motion is **GRANTED** and Plaintiffs' negligence per se claim against it is **DISMISSED WITHOUT PREJUDICE**.

SO ORDERED this 16th day of March 2012.


WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA